

AMENDED IN SENATE APRIL 12, 2012

SENATE BILL

No. 1296

Introduced by ~~Senator Fuller~~ Senators Fuller and La Malfa
(Coauthors: Senators Dutton, Gaines, Harman, Huff, and Runner)
(Coauthors: Assembly Members Jeffries and Olsen)

February 23, 2012

An act to amend Sections 303, 303.5, 336, 342, 9001, 9002, 9004, 9005, 9006, 9007, 9008, 9009, 9034, 9035, 9044, 9050, 9051, 9053, 9054, 9063, 9067, 9086, 9087, 9092, 13262, 13282, and 18602 of, *to add Sections 9045 and 9052 to*, and to repeal ~~Section~~ Sections 9003 and 9042 of, the Elections Code, and to amend Section 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1296, as amended, Fuller. Elections: ballot-titles *materials*.

Existing law requires the Attorney General, upon receipt of a draft of a petition for a proposed initiative or referendum, to prepare a title and summary of the proposed measure. Under existing law, the Attorney General is required to determine the effect of a proposed initiative measure on revenues and expenditures of the state or local government. If the Attorney General determines that a proposed measure would affect state or local revenues or expenditures, he or she must include in the title either the estimate of the amount of change in state or local revenues or costs or an opinion as to whether a substantial net change in state or local finances would result if the proposed initiative is adopted. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to prepare jointly the fiscal estimate that may be included in the title. Existing law imposes specified deadlines on the preparation of a title and summary, and a fiscal estimate.

This bill would require the Legislative Analyst, instead of the Attorney General, to prepare the ballot title and summary for all measures submitted to the voters of the state and would require the Legislative Analyst, instead of the Department of Finance and the Joint Legislative Budget Committee, to prepare any fiscal estimate or opinion required by a proposed initiative measure. The bill would also change the deadlines applicable to the preparation of a title and summary and a fiscal estimate or opinion. *The bill would impose specified requirements with respect to the ballot materials required to be prepared by the Legislative Analyst. The bill would require a court, in determining whether to issue a peremptory writ of mandate regarding a ballot title and summary, ballot label, or other ballot materials prepared by the Legislative Analyst, to not give deference to the Legislative Analyst, but rather to be guided by its duty to protect the interest of the voters to accurate, fair, impartial, and understandable ballot materials. The bill would repeal a provision of law requiring an argument against a measure submitted to the voters by the Legislature to be drafted by a Member of the Legislature and included within the ballot pamphlet, and would grant priority for placement within the ballot pamphlet to an argument against the measure submitted by a voter or group of voters.*

The bill would make its operation contingent upon the approval by the voters of SCA _____ 19 of the 2011–12 Regular Session, *as provided*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 303 of the Elections Code is amended to
- 2 read:
- 3 303. “Ballot label” means that portion of the ballot containing
- 4 the names of the candidates or a statement of a measure. For
- 5 statewide measures, the ballot label shall contain no more than 75
- 6 words ~~and shall be a condensed version~~ *consisting* of the ballot
- 7 title and *a condensed version of the* summary including the fiscal
- 8 impact summary prepared pursuant to Section 9087 of this code
- 9 and Section 88003 of the Government Code.
- 10 SEC. 2. Section 303.5 of the Elections Code is amended to
- 11 read:

1 303.5. (a) (1) “Ballot title” is the name of a statewide measure
2 included in the ballot label and the ballot title and summary.

3 (2) *The ballot title for a statewide initiative, referendum, or*
4 *legislative measure that has qualified for the ballot shall be the*
5 *proposition number assigned by the Secretary of State to the*
6 *initiative, referendum, or legislative measure (“Proposition X”).*

7 (b) “Ballot title and summary” means the *ballot title and the*
8 *summary of the chief purpose and points including the fiscal impact*
9 *summary of any measure that appears in the state ballot pamphlet.*
10 The ballot title and summary shall include a statement of the
11 measure’s fiscal impact. ~~This~~ *The ballot title and* summary shall
12 not exceed ~~100~~ 125 words, not including the fiscal impact
13 statement.

14 (c) (1) “Circulating title and summary” means the ~~text~~ *title and*
15 *summary prepared by the Legislative Analyst pursuant to*
16 *subdivision (d) of Section 10 of Article II of the California*
17 *Constitution and Section 9004 of this code* that is required to be
18 placed on a petition for signatures that is either one of the
19 following:

20 (A) The summary of the chief purpose and points of a proposed
21 initiative measure that affects the Constitution or laws of the state,
22 and the fiscal impact of the proposed initiative measure.

23 (B) The summary of the chief purpose and points of a
24 referendum measure that affects a law or laws of the state.

25 (2) The circulating title and summary shall not exceed 100
26 words, not including the fiscal impact summary.

27 (3) *The title for a circulating title and summary shall be a short*
28 *statement of the principal subject matter of the proposed initiative*
29 *or referendum in the following form:*

30 (A) *“Proposed initiative (statute/constitutional amendment)*
31 *regarding (insert principal subject matter).”*

32 (B) *“Proposed referendum of statute enacted by the Legislature*
33 *regarding (insert principal subject matter).”*

34 **SECTION 4.**

35 **SEC. 3.** Section 336 of the Elections Code is amended to read:

36 336. The “official summary date” is the date a circulating title
37 and summary of a proposed initiative measure is delivered or
38 mailed by the Legislative Analyst to the proponents of the proposed
39 measure.

1 ~~SEC. 2.~~

2 *SEC. 4.* Section 342 of the Elections Code is amended to read:

3 342. “Proponent or proponents of an initiative or referendum
4 measure” means, for statewide initiative and referendum measures,
5 the elector or electors who submit the text of a proposed initiative
6 or referendum to the Legislative Analyst with a request that he or
7 she prepare a circulating title and summary of the chief purpose
8 and points of the proposed measure; or for other initiative and
9 referendum measures, the person or persons who publish a notice
10 or intention to circulate petitions, or, if publication is not required,
11 the person or persons who file petitions with the elections official
12 or legislative body.

13 ~~SEC. 3.~~

14 *SEC. 5.* Section 9001 of the Elections Code is amended to read:

15 9001. (a) Prior to the circulation of an initiative or referendum
16 petition for signatures, the text of the proposed measure shall be
17 submitted to the Legislative Analyst with a written request that a
18 circulating title and summary of the chief purpose and points of
19 the proposed measure be prepared. The electors presenting the
20 request shall be known as the “proponents.” The Legislative
21 Analyst shall preserve the written request until after the next
22 general election.

23 (b) Each and every proponent of any proposed initiative measure
24 shall, at the time of submitting the text of the proposed measure,
25 provide both of the following:

26 (1) An original signed certification stating that “I, (insert name),
27 declare under penalty of perjury that I am a citizen of the United
28 States, 18 years of age or older, and a resident of (insert county),
29 California.”

30 (2) Public contact information.

31 (c) The proponents of any initiative measure, at the time of
32 submitting the text of the proposed measure to the Legislative
33 Analyst, shall pay a fee of two hundred dollars (\$200), which shall
34 be placed in a trust fund in the office of the Treasurer and refunded
35 to the proponents if the measure qualifies for the ballot within two
36 years from the date the summary is furnished to the proponents.
37 If the measure does not qualify within that period, the fee shall be
38 immediately paid into the General Fund of the state.

39 (d) All referenda and proposed initiative measures ~~must~~ *shall*
40 be submitted to the Legislative Analyst’s Initiative Coordinator

1 located in the Sacramento Legislative Analyst's Office via United
2 States Postal Service, alternative mail service, or personal delivery.
3 Only printed documents will be accepted; facsimile or email
4 delivery will not be accepted.

5 (e) The Legislative Analyst's Office shall not deem a request
6 for a circulating title and summary submitted until all of the
7 requirements of this section are met.

8 ~~SEC. 4.~~

9 *SEC. 6.* Section 9002 of the Elections Code is amended to read:

10 9002. (a) The Legislative Analyst shall provide a copy of the
11 title and summary to the Secretary of State within 30 days after
12 receipt of the final version of a proposed initiative measure. If
13 during the 30-day period the proponents of the proposed initiative
14 measure submit amendments, other than technical, nonsubstantive
15 amendments, to the final version of the measure, the Legislative
16 Analyst shall provide a copy of the title and summary to the
17 Secretary of State within 30 days after receipt of the amendments.

18 (b) The amendment ~~must~~ *shall* be submitted with a signed
19 request by all the proponents to prepare a circulating title and
20 summary using the amended language.

21 (c) The amendment ~~must~~ *shall* be submitted to the Legislative
22 Analyst's Initiative Coordinator located in the Sacramento
23 Legislative Analyst's Office via United States Postal Service,
24 alternative mail service, or personal delivery. Only printed
25 documents will be accepted; facsimile or email delivery will not
26 be accepted.

27 ~~SEC. 5.~~

28 *SEC. 7.* Section 9003 of the Elections Code is repealed.

29 ~~SEC. 6.~~

30 *SEC. 8.* Section 9004 of the Elections Code is amended to read:

31 9004. (a) Upon receipt of the text of a proposed initiative
32 measure, the Legislative Analyst shall prepare a circulating title
33 and summary of the chief purposes and points of the proposed
34 measure. The circulating title and summary shall not exceed a total
35 of 100 words. The Legislative Analyst shall also provide a unique
36 numeric identifier for each proposed initiative measure. The
37 circulating title and summary shall be prepared in the manner
38 provided for the preparation of ballot titles and summaries in
39 Article 5 (commencing with Section 9050), the provisions of
40 which, in regard to the preparation, filing, and settlement of ballot

1 titles and summaries, are applicable to the circulating title and
2 summary.

3 (b) The Legislative Analyst shall provide a copy of the
4 circulating title and summary and its unique numeric identifier to
5 the proponents and to the Secretary of State within 30 days after
6 receipt of the final version of a proposed initiative measure. The
7 date the copy is delivered or mailed to the proponents is the
8 “official summary date.”

9 (c) Upon receipt of the circulating title and summary from the
10 Legislative Analyst, the Secretary of State shall, within one
11 business day, notify the proponents and county elections official
12 of each county of the official summary date and provide a copy
13 of the circulating title and summary to each county elections
14 official. This notification shall also include a complete schedule
15 showing the maximum filing deadline, and the certification
16 deadline by the counties to the Secretary of State.

17 ~~SEC. 7.~~

18 *SEC. 9.* Section 9005 of the Elections Code is amended to read:

19 9005. (a) The Legislative Analyst, in preparing a circulating
20 title and summary for a proposed initiative measure, shall, in
21 boldface print, include in the circulating title and summary either
22 the estimate of the amount of any increase or decrease in revenues
23 or costs to the state or local government, or an opinion as to
24 whether or not a substantial net change in state or local finances
25 would result if the proposed initiative is adopted.

26 (b) The estimate shall be completed by the Legislative Analyst
27 within the period specified in Section 9002, unless, in the opinion
28 of the Legislative Analyst, a reasonable estimate of the net impact
29 of the proposed initiative measure cannot be prepared within that
30 period. In the latter case, the Legislative Analyst shall, within the
31 period specified in Section 9002, give his or her opinion as to
32 whether or not a substantial net change in state or local finances
33 would result if the proposed initiative measure is adopted.

34 ~~SEC. 8.~~

35 *SEC. 10.* Section 9006 of the Elections Code is amended to
36 read:

37 9006. (a) Upon receipt of the text of a proposed referendum,
38 the Legislative Analyst shall prepare a circulating title and
39 summary of the chief purpose and points of the proposed statute

1 at issue. The circulating title and summary shall not exceed a total
2 of 100 words. No fiscal analysis shall be included.

3 (b) The Legislative Analyst shall provide a copy of the
4 circulating title and summary of the proposed referendum to the
5 proponents and to the Secretary of State within 10 days after receipt
6 of the proposed referendum.

7 (c) Upon receipt of the circulating title and summary from the
8 Legislative Analyst, the Secretary of State shall, within one
9 business day, notify the proponents and county elections official
10 of each county of the official summary date and provide a copy
11 of the circulating title and summary to each county elections
12 official. This notification shall also include a complete schedule
13 showing the maximum filing deadline, and the certification
14 deadline by the counties to the Secretary of State.

15 ~~SEC. 9.~~

16 *SEC. 11.* Section 9007 of the Elections Code is amended to
17 read:

18 9007. Immediately upon the preparation of the circulating title
19 and summary of a proposed initiative or referendum measure, the
20 Legislative Analyst shall forthwith transmit copies of the text of
21 the measure and the circulating title and summary to the Senate
22 and the Assembly. The appropriate committees of each house may
23 hold public hearings on the subject of the measure. However,
24 nothing in this section shall be construed as authority for the
25 Legislature to alter the measure or prevent it from appearing on
26 the ballot.

27 ~~SEC. 10.~~

28 *SEC. 12.* Section 9008 of the Elections Code is amended to
29 read:

30 9008. Every proposed initiative measure, prior to circulation,
31 shall have placed across the top of the petition in 12-point or larger
32 roman boldface type all of the following:

33 (a) The Legislative Analyst's unique numeric identifier placed
34 before the circulating title and summary upon each page where
35 the circulating title and summary is to appear.

36 (b) The circulating title and summary prepared by the Legislative
37 Analyst upon each page of the petition on which signatures are to
38 appear.

(c) The circulating title and summary prepared by the Legislative Analyst upon each section of the petition preceding the text of the measure.

(d) The circulating title and summary prepared by the Legislative Analyst as required by subdivision (c) shall be preceded by the following statement: "Initiative measure to be submitted directly to the voters."

~~SEC. 11.~~

SEC. 13. Section 9009 of the Elections Code is amended to read:

9009. The heading of an initiative petition shall be in substantially the following form:

Initiative Measure to Be Submitted Directly to the Voters

The Legislative Analyst of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

(Here set forth the unique numeric identifier provided by the Legislative Analyst and circulating title and summary prepared by the Legislative Analyst. Both the Legislative Analyst's unique numeric identifier and the circulating title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of ____ County (or City and County), hereby propose amendments to the Constitution of California (the ____ Code, relating to ____) and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed constitutional (or statutory) amendments (full title and text of the measure) read as follows:

~~SEC. 12.~~

SEC. 14. Section 9034 of the Elections Code is amended to read:

9034. Upon the certification of an initiative measure for the ballot, the Secretary of State shall transmit copies of the initiative measure, together with the circulating title and summary as prepared by the Legislative Analyst pursuant to Section 9004, to the Senate and the Assembly. Each house shall assign the initiative

measure to its appropriate committees. The appropriate committees shall hold joint public hearings on the subject of the measure prior to the date of the election at which the measure is to be voted upon. However, no hearing may be held within 30 days prior to the date of the election.

Nothing in this section shall be construed as authority for the Legislature to alter the initiative measure or prevent it from appearing on the ballot.

~~SEC. 13.~~

SEC. 15. Section 9035 of the Elections Code is amended to read:

9035. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by registered voters equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the California Constitution, of the voters for all candidates for Governor at the last gubernatorial election preceding the issuance of the circulating title and summary for the initiative measure by the Legislative Analyst.

SEC. 16. Section 9042 of the Elections Code is repealed.

~~9042. If a measure submitted to the voters by the Legislature was not adopted unanimously, one Member of the Senate who voted against it shall be appointed by the President pro Tempore of the Senate and one Member of the Assembly who voted against it shall be appointed by the Speaker of the Assembly, at the same time as appointments to draft an argument in its favor are made, to write an argument against the measure. An argument shall not exceed 500 words.~~

~~If those members appointed to write an argument against the measure choose, each may write a separate argument opposing it, but the combined length of the two arguments shall not exceed 500 words.~~

SEC. 17. Section 9044 of the Elections Code is amended to read:

9044. If an argument for ~~or an argument against~~ a measure submitted to the voters by the Legislature has not been filed by a Member of the Legislature, any voter may request the Secretary of State's permission to prepare and file an argument for ~~either side the measure~~, on which no argument has been prepared by a

1 Member of the Legislature. The Secretary of State shall grant
2 permission unless two or more voters request permission to submit
3 arguments ~~on the same side of a~~ *for the* measure, in which event
4 the Secretary of State shall designate one of the voters to write the
5 argument. Any argument prepared pursuant to this section shall
6 be submitted to the Secretary of State by a date sufficient to meet
7 ballot printing deadlines.

8 *SEC. 18. Section 9045 is added to the Elections Code, to read:*

9 *9045. Any Member of the Legislature who voted against a*
10 *measure submitted by the Legislature to the voters, or any voter*
11 *or group of voters acting pursuant to Section 9064, may submit*
12 *an argument against the measure. If more than one argument*
13 *against the measure is submitted, the Secretary of State shall give*
14 *preference to the argument submitted by a voter or a group of*
15 *voters.*

16 ~~SEC. 14.~~

17 *SEC. 19. Section 9050 of the Elections Code is amended to*
18 *read:*

19 *9050. After the Secretary of State determines that a measure*
20 *will appear on the ballot at the next statewide election, the*
21 *Secretary of State shall promptly transmit a copy of the measure*
22 *to the Legislative Analyst. The Legislative Analyst shall provide*
23 *and return to the Secretary of State a ballot title and summary and*
24 *ballot label for a measure submitted to the voters of the whole state*
25 *by a date sufficient to meet the ballot pamphlet public display*
26 *deadlines.*

27 ~~SEC. 15.~~

28 *SEC. 20. Section 9051 of the Elections Code is amended to*
29 *read:*

30 *9051. (a) (1) The ballot title and summary may differ from*
31 *the legislative, circulating, or other title and summary of the*
32 *measure and shall not exceed 100 125 words, not including the*
33 *summary of the fiscal impact described in paragraph (2).*

34 *(2) The ballot title and summary shall be amended to include a*
35 *summary of the Legislative Analyst's estimate of the net state and*
36 *local government fiscal impact prepared pursuant to Section 9087*
37 *of this code and Section 88003 of the Government Code.*

38 *(b) The ballot label shall contain no more than 75 words and*
39 *shall be a condensed version of consisting of the ballot title and a*
40 *condensed version of the summary including the financial impact*

1 ~~summary prepared pursuant to Section 9087 of this code and~~
2 ~~Section 88003 of the Government Code~~ *summary of the fiscal*
3 *impact described in paragraph (2).*

4 (c) In providing the ballot title and summary *and ballot label*,
5 the Legislative Analyst shall ~~give~~ *meet all of the following*
6 *requirements:*

7 (1) *Give a true and impartial statement of the purpose of the*
8 *measure in such language that the ballot title and summary shall*
9 *is neither be an argument, nor be likely to create prejudice, for or*
10 *against the proposed measure.*

11 (2) *Be written in clear and concise terms that will be easily*
12 *understood by the average voter, avoiding the use of technical*
13 *terms whenever possible.*

14 (3) *Be written using complete and grammatically correct*
15 *sentences.*

16 (4) *If the measure imposes or increases a tax or fee, the type*
17 *and amount of the tax or fee shall be included.*

18 (5) *If the measure repeals existing law in any substantial*
19 *manner, that fact shall be included.*

20 (6) *If the measure is linked to any other measure or statute, or*
21 *another measure or statute is contingent on the enactment of the*
22 *measure, the purpose of the linked or contingent measure or statute*
23 *shall be included.*

24 *SEC. 21. Section 9052 is added to the Elections Code, to read:*
25 *9052. Before the submission of the ballot title and summary*
26 *and ballot label to the Secretary of State, the Legislative Analyst*
27 *shall submit each to the committee described in Section 9087 of*
28 *this code and Section 88003 of the Government Code for the*
29 *purpose of confirming its impartiality, clarity, and ease of*
30 *comprehension to the average voter. The Legislative Analyst shall*
31 *consider the committee's recommendations and shall incorporate*
32 *changes the Legislative Analyst determines is appropriate.*

33 ~~SEC. 16.~~

34 *SEC. 22. Section 9053 of the Elections Code is amended to*
35 *read:*

36 *9053. A measure shall be designated on the ballot by the ballot*
37 *label certified to the Secretary of State by the Legislative Analyst.*

38 ~~SEC. 17.~~

39 *SEC. 23. Section 9054 of the Elections Code is amended to*
40 *read:*

9054. (a) Whenever a city, county, or city and county is required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965 to provide a translation of ballot materials in a language other than English, the Secretary of State shall provide a translation of the ballot title and summary prepared pursuant to Sections 9050 and 9051 and of the ballot label prepared pursuant to Section 13247 in that language to the city, county, or city and county for a state measure submitted to the voters in a statewide election not later than 68 days prior to that election.

(b) When preparing a translation in a language other than English pursuant to subdivision (a), the Secretary of State shall consult with an advisory body consisting of language experts and nonpartisan organizations that advocate on behalf of, or provide services to, individuals that speak that language.

(c) Translations prepared pursuant to this section shall be made available for public examination in the same time and manner as the ballot pamphlet is made available for public examination in accordance with Section 88006 of the Government Code and Section 9092 of this code.

(d) The local elections official shall use the translation of the ballot label prepared pursuant to this section on the sample ballot and the official ballot and ~~may~~ *shall* not select or contract with another person to provide translations of the same text.

~~SEC. 18.~~

SEC. 24. Section 9063 of the Elections Code is amended to read:

9063. The summary of a measure given in the press release shall be the official circulating title and summary that has been prepared by the Legislative Analyst. The Legislative Counsel Bureau shall prepare the summary on all other measures.

SEC. 25. *Section 9067 of the Elections Code is amended to read:*

9067. If more than one argument for or more than one argument against any measure is filed within the time prescribed, the Secretary of State shall select one of the arguments for printing in the ballot pamphlets. In selecting the argument the Secretary of State shall give preference and priority in the order named to the arguments of the following:

1 (a) In the case of a measure submitted by the Legislature,
2 Members of the Legislature, *if the argument is for the measure.*

3 (b) In the case of an initiative or referendum measure, the
4 proponent of the petition.

5 (c) Bona fide associations of citizens.

6 (d) Individual voters.

7 ~~SEC. 19.~~

8 *SEC. 26.* Section 9086 of the Elections Code is amended to
9 read:

10 9086. The ballot pamphlet shall contain as to each state measure
11 to be voted upon, the following, in the order set forth in this
12 section:

13 (a) (1) Upon the top portion of the first page, and not exceeding
14 one-third of the page, shall appear:

15 (A) Identification of the measure by number and title.

16 (B) The official summary prepared by the Legislative Analyst.

17 (C) The total number of votes cast for and against the measure
18 in both the State Senate and Assembly, if the measure was passed
19 by the Legislature.

20 (2) The space in the title and summary that is used for an
21 explanatory table prepared pursuant to paragraph (2) of subdivision
22 (e) of Section 9087 and Section 88003 of the Government Code
23 shall not be included when measuring the amount of space the
24 information described in paragraph (1) has taken for purposes of
25 determining compliance with the restriction prohibiting the
26 information described in paragraph (1) from exceeding one-third
27 of the page.

28 (b) Beginning at the top of the right page shall appear the
29 analysis prepared by the Legislative Analyst, provided that the
30 analysis fits on a single page. If it does not fit on a single page,
31 the analysis shall begin on the lower portion of the first left page
32 and shall continue on subsequent pages until it is completed.

33 (c) Arguments for and against the measure shall be placed on
34 the next left and right pages, respectively, following the final page
35 of the analysis of the Legislative Analyst. The rebuttals shall be
36 placed immediately below the arguments.

37 (d) If no argument against the measure has been submitted, the
38 argument for the measure shall appear on the right page facing the
39 analysis.

(e) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f) The following statement shall be printed at the bottom of each page where arguments appear: “Arguments printed on this page are the opinions of the authors, and have not been checked for accuracy by any official agency.”

~~SEC. 20.~~

SEC. 27. Section 9087 of the Elections Code is amended to read:

9087. (a) The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. If it is estimated that a measure would result in increased cost to the state, an analysis of the measure’s estimated impact on the state shall be provided, including an estimate of the percentage of the General Fund that would be expended due to the measure, using visual aids when appropriate. An estimate of increased cost to the state or local governments shall be set out in boldface print in the ballot pamphlet.

(b) The analysis shall be written in clear and concise terms, so as to be easily understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information the average voter needs to adequately understand the measure. To the extent practicable, the Legislative Analyst shall utilize a uniform method in each analysis to describe the estimated increase or decrease in revenue or cost of a measure, so that the average voter may draw comparisons among the fiscal impacts of measures. The condensed statement of the fiscal impact summary for the measure prepared by the Legislative Analyst to appear on the ballot shall contain the

1 uniform estimate of increase or decrease in revenue or cost of the
2 measure prepared pursuant to this subdivision.

3 (c) The Legislative Analyst may contract with a professional
4 writer, educational specialist, or another person for assistance in
5 writing an analysis that fulfills the requirements of this section,
6 including the requirement that the analysis be written so that it
7 will be easily understood by the average voter. The Legislative
8 Analyst may also request the assistance of a state department,
9 agency, or official in preparing his or her analysis.

10 (d) Prior to submitting the analysis to the Secretary of State, the
11 Legislative Analyst shall submit the analysis to a committee of
12 five persons, appointed by the Legislative Analyst, for the purpose
13 of reviewing the analysis to confirm its clarity and easy
14 comprehension to the average voter. The committee shall be drawn
15 from the public at large, and one member shall be a specialist in
16 education, one member shall be bilingual, and one member shall
17 be a professional writer. Members of the committee shall be
18 reimbursed for reasonable and necessary expenses incurred in
19 performing their duties. Within five days of the submission of the
20 analysis to the committee, the committee shall make
21 recommendations to the Legislative Analyst as it deems appropriate
22 to guarantee that the analysis can be easily understood by the
23 average voter. The Legislative Analyst shall consider the
24 committee's recommendations, and he or she shall incorporate in
25 the analysis those changes recommended by the committee that
26 he or she deems to be appropriate. The Legislative Analyst is solely
27 responsible for determining the content of the analysis required
28 by this section.

29 (e) (1) The title and summary of any measure that appears on
30 the ballot shall ~~be amended to~~ contain a summary of the Legislative
31 Analyst's estimate of the net state and local government fiscal
32 impact.

33 (2) For state bond measures that are submitted to the voters for
34 their approval or rejection, the summary of the Legislative
35 Analyst's estimate described in paragraph (1) shall include an
36 explanatory table of the information in the summary.

37 *SEC. 28. Section 9092 of the Elections Code is amended to*
38 *read:*

39 9092. (a) Not less than 20 days before he or she submits the
40 copy for the ballot pamphlet to the State Printer, the Secretary of

1 State shall make the copy available for public examination. Any
2 elector may seek a writ of mandate requiring any copy to be
3 amended or deleted from the ballot pamphlet. A peremptory writ
4 of mandate shall issue only upon clear and convincing proof that
5 the copy in question is false, misleading, or inconsistent with the
6 requirements of this code or Chapter 8 (commencing with Section
7 88000) of Title 9 of the Government Code, and that issuance of
8 the writ will not substantially interfere with the printing and
9 distribution of the ballot pamphlet as required by law. Venue for
10 a proceeding under this section shall be exclusively in Sacramento
11 County. The Secretary of State shall be named as the respondent
12 and the State Printer and the person or official who authored the
13 copy in question shall be named as real parties in interest. If the
14 proceeding is initiated by the Secretary of State, the State Printer
15 shall be named as the respondent.

16 *(b) In determining whether to issue a peremptory writ of*
17 *mandate pursuant to this section and Section 88006 of the*
18 *Government Code regarding a ballot title and summary, ballot*
19 *label, or other ballot materials prepared by the Legislative Analyst,*
20 *the court shall not give deference to the Legislative Analyst, but*
21 *rather shall be guided by its duty to protect the interest of the*
22 *voters to accurate, fair, impartial, and understandable ballot*
23 *materials.*

24 ~~SEC. 21.~~

25 SEC. 29. Section 13262 of the Elections Code is amended to
26 read:

27 13262. (a) The ballot shall contain the same material as to
28 candidates and measures, and shall be printed in the same order
29 as provided for paper ballots, and may be arranged in parallel
30 columns on one or more ballot cards as required, except that the
31 column in which the voter marks his or her choices may be at the
32 left of the names of candidates and the designation of measures.

33 (b) If there are a greater number of candidates for an office or
34 for a party nomination for an office than the number whose names
35 can be placed on one pair of facing ballot pages, a series of
36 overlaying pages printed only on the same, single side shall be
37 used, and the ballot shall be clearly marked to indicate that the list
38 of candidates for the office is continued on the following page or
39 pages. If the names of candidates for the office are not required to
40 be rotated, they shall be rotated by groups of candidates in a

1 manner so that the name of each candidate shall appear on each
2 page of the ballot in approximately the same number of precincts
3 as the names of all other candidates.

4 (c) Space shall be provided on the ballot or on a separate write-in
5 ballot to permit voters to write in names not printed on the ballot
6 when authorized by law. The size of the voting square and the
7 spacing of the material may be varied to suit the conditions
8 imposed by the use of ballot cards, provided the size of the type
9 is not reduced below the minimum size requirements set forth in
10 Chapter 2 (commencing with Section 13100).

11 (d) The statement of measure submitted to the voters may be
12 abbreviated if necessary on the ballot, if each and every statement
13 of measures on that ballot is abbreviated. Abbreviation of matters
14 to be voted on throughout the state shall be composed by the
15 Legislative Analyst.

16 ~~SEC. 22.~~

17 *SEC. 30.* Section 13282 of the Elections Code is amended to
18 read:

19 13282. Whenever the Legislative Analyst prepares a ballot
20 label, the Legislative Analyst shall file a copy of the ballot label
21 with the Secretary of State. The Secretary of State shall make a
22 copy of the ballot label available for public examination prior to
23 the printing of the ballot label on any ballot. The public shall be
24 permitted to examine the ballot label for at least 20 days, and the
25 Secretary of State may consolidate the examination requirement
26 under this section with the public examination requirements set
27 forth in Section 9092 *of this code and Section 88006 of the*
28 *Government Code*. A voter may seek a writ of mandate requiring
29 a ballot label, or portion thereof, to be amended or deleted. The
30 provisions set forth in Section 9092 concerning the issuance of the
31 writ and the nature of the proceedings shall be applicable to this
32 section.

33 ~~SEC. 23.~~

34 *SEC. 31.* Section 18602 of the Elections Code is amended to
35 read:

36 18602. A person working for the proponent or proponents of
37 a statewide initiative or referendum measure who covers or
38 otherwise obscures the summary of the measure prepared by the
39 Legislative Analyst from the view of a prospective signer is guilty
40 of a misdemeanor.

1 ~~SEC. 24.~~

2 *SEC. 32.* Section 88002 of the Government Code is amended
3 to read:

4 88002. The ballot pamphlet shall contain as to each state
5 measure to be voted upon, the following in the order set forth in
6 this section:

7 (a) (1) Upon the top portion of the first page and not exceeding
8 one-third of the page shall appear:

9 (A) The identification of the measure by number and title.

10 (B) The official summary prepared by the Legislative Analyst.

11 (C) The total number of votes cast for and against the measure
12 in both the State Senate and Assembly if the measure was passed
13 by the Legislature.

14 (2) The space in the title and summary that is used for an
15 explanatory table prepared pursuant to paragraph (2) of subdivision
16 (e) of Section 9087 of the Elections Code and Section 88003 shall
17 not be included when measuring the amount of space the
18 information described in paragraph (1) has taken for purposes of
19 determining compliance with the restriction prohibiting the
20 information described in paragraph (1) from exceeding one-third
21 of the page.

22 (b) Beginning at the top of the right page shall appear the
23 analysis prepared by the Legislative Analyst, provided that the
24 analysis fits on a single page. If it does not fit on a single page,
25 then the analysis shall begin on the lower portion of the first left
26 page and shall continue on subsequent pages until it is completed.

27 (c) Arguments for and against the measure shall be placed on
28 the next left and right pages, respectively, following the page on
29 which the analysis of the Legislative Analyst ends. The rebuttals
30 shall be placed immediately below the arguments.

31 (d) If no argument against the measure has been submitted, the
32 argument for the measure shall appear on the right page facing the
33 analysis.

34 (e) The complete text of each measure shall appear at the back
35 of the pamphlet. The text of the measure shall contain the
36 provisions of the proposed measure and the existing provisions of
37 law repealed or revised by the measure. The provisions of the
38 proposed measure differing from the existing provisions of law
39 affected shall be distinguished in print, so as to facilitate
40 comparison.

(f) The following statement shall be printed at the bottom of each page where arguments appear: “Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.”

~~SEC. 25.~~

SEC. 33. Sections 1 to ~~24~~ 32, inclusive, of this act shall become operative only if Senate Constitutional Amendment ~~_____~~ 19 of the 2011–12 Regular Session is approved by voters at a statewide general election, *and SCA 19 requires the Legislative Analyst to prepare the ballot label, and the ballot title and summary, for every measure appearing on a statewide ballot.*